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Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT,
NORTHERN DISTRICT OF CALIFORNIA,
OAKLAND DIVISION**

SEAN L. GILBERT, et. al.

) Case No. CV-13-01171-JSW

) Complaint filed February 11, 2013

) Trial Date:

) Pre-Trial Date:

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**BANK OF AMERICA, N.A.,
et al**

) **STIPULATION AND PROPOSED
ORDER TO CONTINUE DEADLINE
FOR PARTIES' BRIEFS ON
MOTION TO COMPEL
ARBITRATION**
)
Hearing Date:
)
Department 5
)
Hon. Jeffrey S. White, District Judge

Defendants

) Hon. Jeffrey S. White, District Judge

TO EACH PARTY AND THEIR ATTORNEY OF RECORD:

1 Plaintiffs Dinah Pham, Paula Bernal and Mary F. Bailey (collectively "Plaintiffs")
2 on the one hand, and Defendants Rare Moon Media, LLC, Jeremy Shaffer, Brad Levene,
3 Lindsey Coker, and Josh Mitchem on the other hand, by and through their respective
4 counsel of record, hereby respectfully stipulate to change the deadlines for the
5 Opposition and Reply Papers concerning pending Motion to Compel Arbitration (Doc.
6 136.)

7 The Motion was filed on November 12, 2014 with a hearing date of January 9,
8 2015. The Opposition is due November 26, 2014. The Motion is supported by the
9 Declaration of non-party David Odell a resident of the State of Missouri and President of
10 non-party Summit Computer Solutions, Inc.. Mr. Odell purports to authenticate the
11 copies of the arbitration agreements attached to the Motion to Compel. Plaintiffs
12 requested whether Defendants would object to Plaintiffs taking the deposition of Mr.
13 Odell in conjunction with the Defendants' pending motion to compel arbitration and
14 Defendants stated that they would object to the deposition.

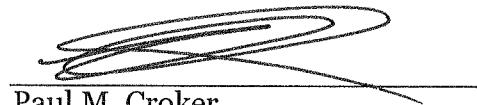
15 The Parties submitted a Joint Discovery Letter Brief to Magistrate Judge Beeler
16 on November 24, 2014. (Doc. 137.) However, Plaintiffs will not have time to draft their
17 Opposition by November 26th, especially if a deposition must be conducted in Missouri.
18 Therefore, the Parties have stipulated to continue the Opposition and Reply deadlines
19 on the Motion to Compel as follows:

- 20 1) If Judge Beeler denies the discovery request, the Opposition will be due
21 December 8th and the Reply one week later.
22 2) If Judge Beeler grants the discovery request, or does not rule by December 8th,
23 the Opposition will be due December 15th and the Reply one week later.

- 1 3) The Parties reserve the right to request further changes in the briefing schedule if
2 the deposition cannot be conducted in time.
3 4) The scheduled hearing date of January 9, 2015 can remain if that is acceptable to
4 the Court.

5 Dated: November 25, 2014 WALLACE, SAUNDERS, AUSTIN, BROWN & ENOCHS

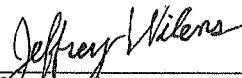
7 By

8 
Paul M. Croker

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10 Attorneys For Defendants Rare Moon
11 Media, LLC, Jeremy Shaffer, Brad
Levene, Lindsey Coker, and Josh
Mitchem

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13 Dated: November 25, 2014 LAKESHORE LAW CENTER

14 By

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Jeffrey Wilens

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17 Attorneys For Plaintiffs
Dinah Pham, Paula Bernal and
Mary F. Bailey

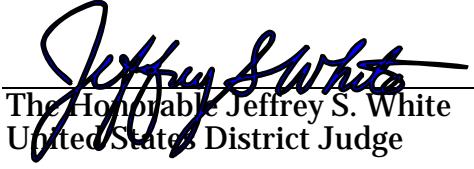
18
19 PROPOSED ORDER

20 Plaintiffs' deadline for filing a response to Rare Moon Defendants' Motion to
21 Compel Arbitration is hereby continued to December 8, 2014 if Magistrate Judge Beeler
22 denies the pending request to depose Mr. Odell and is continued to December 15, 2014
23 if Magistrate Judge Beeler has not ruled by December 8th or if the request to depose is
24 granted. Defendants' Reply shall be due 7 days after the Opposition is filed. The
25 hearing date of January 9, 2015 shall remain.

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27 PURSUANT TO STIPULATION, IT IS SO ORDERED.

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1 Dated: December 1, 2014
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The Honorable Jeffrey S. White
United States District Judge